

Biosolids Center of Excellence

Status Report

January 2015

The Biosolids Center of Excellence received and entered data for 2308 annual biosolids reports into the Region 7 Biosolids Database in 2014. The reports were received primarily from facilities in Regions 1, 2, 3, 4, 5, 7, and 10. The data entered included receipt date, quantity of biosolids produced and facility contact information (street address and mailing address). The number of reports received and data entered by State and Region are listed below. (In FY15, the receipt of annual reports will be expanded from the Regions already mentioned to include Region 8 and additional states in Region 1.)

The Center conducted a detailed review of 677 annual biosolids reports (approximately 20% of the reports received). Also, the Center entered monitoring data, pathogen data and vector attraction reduction data for these reports into the Region 7 biosolids database, which was completed in 2014. The number of reports we received and reviewed by State and Region is listed below.

Region	State	Received	Reviewed
1	ME	9	2
	NH	27	10
	VT	6	1
	CT	24	6
	RI	5	0
	MA	52	17
2	NY	212	79
	NJ	85	37
	PR	55	22
3	PA	225	65
	WV	30	7
	VA	73	24
	DE	7	2
	MD	36	12
	DC	1	0
4	KY	37	12
	TN	79	26
	NC	162	45
	SC	55	18
	GA	88	20
	AL	76	17
	MS	21	7
	FL	168	56

Region	State	Received	Reviewed
5	IL	200	45
	IN	109	23
	OH	13	8
	MI	5	0
	WI	5	2
	MN	2	0
6	AR	4	1
7	MO	98	30
	IA	93	27
	KS	42	3
	NE	30	8
8	CO	6	0
	WY	5	0
9	CA	1	1
10	ID	20	7
	WA	100	21
	OR	39	15
	AK	3	1

The Center flagged approximately 80 of the annual reports for further review. Facilities were flagged if the detailed review identified the following potential issues:

- Marketing Class A or Class B biosolids without demonstrating the biosolids meet one of the pathogen reduction methods;
- Grossly inadequate report;
- Failure to meet Pollutant Limits or Other Pollutant Loading;
- Failure to meet one of the Vector Attraction Reduction Methods (VAR);
- Failure to monitor at the required frequency;
- Cases not identified above that may pose significant public health risks or undermine the effectiveness of the Program;
- No certifications.

Twelve facilities have been identified out of the 80 flagged facilities for follow up. These facilities were selected by appearing to market biosolids, but failing to demonstrate that the pathogen, vector attraction reduction methods and/or pollutant concentration requirements were met. Five of these facilities are located in Region 1, one in Region 2, three in Region 3 and three in Region 4. Information requests are planned to be issued to these facilities to determine if additional follow up is needed. As is our practice, the Center will continue to coordinate with Regions prior to sending a 308 letter.

The Center issued three 308 letters to follow-up on apparent violations to determine if enforcement was warranted. One case for a facility in Colorado is in pre-filing negotiations for penalties. The facility marketed Class A biosolids without demonstrating that biosolids met the processing and pathogen requirements. The other two (one in CT, the other in MA) did not warrant further action.

Four complaints regarding septage haulers were referred to the Center. These complaints are in Ohio and Illinois and allege septage was dumped without meeting any of the pathogen or vector attraction reduction requirements. We are issuing 308 letters to those haulers to determine if further action is warranted.

The Center responded to approximately 15 complaints, 6 FOIAs, 1 congressional inquiry and approximately 400 inquiries regarding the requirements for submitting annual reports. The Center developed answers to approximately 20 commonly asked questions which can be used to more expeditiously respond to inquiries received via email. Since email responses are much more efficient and our FTE limited to two, we continue to encourage all inquiries to the Center be made by email rather than by phone. The Center received requests for technical assistance however, as these requests do not involve violations or enforcement, they are more appropriately handled by the program offices in the Regions rather than the Center.

Center staff participated on the national workgroup developing the NPDES E-Reporting rule. The Center requested that the biosolids annual reports be moved to the first phase of implementation so the reports will be submitted electronically as soon as possible. Electronic reporting of annual biosolids reports will significantly reduce the annual reports processing activities of the Center.

In December 2014, the Center mailed postcards to 3600 biosolids facilities in Regions 1 – 5, 7, 8 and 10 reminding facilities to submit their annual reports to Region 7. We expect approximately 500 additional

annual reports will be submitted to the Center for review and processing in 2015 over 2014. The Center developed a set of FAQs which has been put on the Office of Water webpage to answer annual report questions. The postcard sent to facilities notifying them to send their annual reports to Region 7 directs them to this website and the FAQs for assistance. As part of our records management efforts, annual reports were filed and will be maintained for five years consistent with the Agency's Record Management requirements unless specific reports are required to be maintained longer (such as due to pending enforcement). The amount of file space needed is a concern as multiple years of annual reports are collected and maintained by the Center. Thus, it is important that reports are filed and labeled clearly so they can be retrieved if necessary and also so each year's reports are removed as soon as the record retention time is met.

In an effort to ensure consistency among annual report reviewers, the Center completed an instruction manual for use by Center staff for entering data into the biosolids database. This manual provides a step by step process for report review and data entry. In addition, we developed a report review violation guide for use by Center staff. This guide is a tool to help ensure consistency among staff in flagging potential violations for follow up.

The Center continues to work on the delegation to give Region 7 the authority for conducting inspections, information gathering and enforcement of the 503 regulations in other Regions. This effort will be coordinated with the other Regions as it progresses. Upon completion, this delegation will eliminate the need for each Region or OECA to sign and issue actions on behalf of the Center.

Region 7's Regional Counsel has advised the Center not to send out blank or suggested biosolids annual reporting forms based upon concerns about such a practice complying with the Paperwork Reduction Act. Instead, the Center developed an Annual Report Review Guide which was put on OW's biosolids website to assist facilities in completing an annual report. Note that some states and Regions had allowed the use of DMR-type reports in lieu of an annual report. These DMR-type reports are simplified reports that do not meet all the reporting requirements of Part 503. This has created an inconsistent level of reporting in some states and Regions. However, the Center does not believe it can immediately stop the use of DMR-type reports since, in some instances, the Regions previously sent out blank DMR forms for the facilities to complete. At this time, the Center has been advising facilities that none of the reporting requirements of Part 503 have changed as a result of the creation of the Center. The only change is where annual reports are to be sent. The Center has not yet taken steps to curtail the use of DMR-type reports in an effort to make annual reporting consistent among all states and Regions. Electronic reporting under the NPDES E-reporting rule would likely standardize the annual reporting, thus, the Center's staff has been actively participating in the e-reporting rule workgroup. If it becomes apparent that the e-reporting rule will not timely standardize the biosolids annual reporting, the Center may need to develop a strategy to address this issue.

The Center also sought opportunities for input and feedback from other Regions and HQ on a variety of issues. We routinely participated in the monthly biosolids coordinators call where Center staff presented monthly updates on Center activities. In addition, we participated in NPDES Enforcement Managers monthly calls as necessary and kept the NPDES Enforcement Managers update on various activities of the Center. The OECA AA and DA and other Senior Enforcement Managers were briefed on the progress of the Center during the April 2014 Senior Enforcement Managers call.

An ongoing item of discussion with the other Regions is the need to find and address non-reporters. The 503 regulations require annual reports from facilities that land apply, surface dispose or incinerate their biosolids. All other facilities, including those that landfill or transfer their biosolids to another facility, are not subject to the annual reporting requirements. Thus, the fact that a facility has not submitted an annual report is not necessarily an indication of a violation of Part 503. The Center's database indicates that several hundreds of facilities potentially subject to part 503 have not submitted an annual report. The Center will continue to work with the other Regions regarding the issue of identifying non-reporters.

Please contact either Diane Huffman or Tony Petruska in Region 7's Water Enforcement Branch if you have any questions about or feedback for the Center.